# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

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BLANCA VALENZUELA, MARGIE	)
SALAZAR, JOSE A. SERRATO, JOSIE	)
RENDON, CARA TOVAR, CONSUELO	)
ESPINO, MARIA AVILA, ERNESTINA	)
NAVARRETTE, MARIA E. MUNOZ,	)
AMANDA SALCIDO, CANDELARIO G.	)
ORTEGA, MARIA ORTIZ, JOSE OLIVA,	)
RAFAELA CHAVEZ, ELODIA ARROYO,	)
SUSANA CARDIEL, GRACIE RIOS, AND	)
LEONEL RUIZ, individually and on behalf of	)
all others similarly situated	)
	<b>)</b>
Plaintiffs,	Civil Action No. 3-06CV2322-N
Plaintiffs, vs.	Civil Action No. 3-06CV2322-N ) )
vs.	Civil Action No. 3-06CV2322-N ) ) )
vs. SWIFT BEEF COMPANY, INC. D/B/A/	Civil Action No. 3-06CV2322-N ) ) ) )
vs. SWIFT BEEF COMPANY, INC. D/B/A/ SWIFT COMPANY, SWIFT & COMPANY,	Civil Action No. 3-06CV2322-N ) ) ) ) )
vs.  SWIFT BEEF COMPANY, INC. D/B/A/ SWIFT COMPANY, SWIFT & COMPANY, HICKS, MUSE, TATE & FURST, INC.,HM	Civil Action No. 3-06CV2322-N ) ) ) ) ) )
vs. SWIFT BEEF COMPANY, INC. D/B/A/ SWIFT COMPANY, SWIFT & COMPANY,	Civil Action No. 3-06CV2322-N ) ) ) ) ) ) )
vs.  SWIFT BEEF COMPANY, INC. D/B/A/ SWIFT COMPANY, SWIFT & COMPANY, HICKS, MUSE, TATE & FURST, INC.,HM CAPITAL PARTNERS OF DALLAS, LLC AND JOHN DOES I-V	Civil Action No. 3-06CV2322-N ) ) ) ) ) ) ) ) )
vs.  SWIFT BEEF COMPANY, INC. D/B/A/ SWIFT COMPANY, SWIFT & COMPANY, HICKS, MUSE, TATE & FURST, INC.,HM CAPITAL PARTNERS OF DALLAS, LLC	Civil Action No. 3-06CV2322-N  ) ) ) ) ) ) ) ) ) )
vs.  SWIFT BEEF COMPANY, INC. D/B/A/ SWIFT COMPANY, SWIFT & COMPANY, HICKS, MUSE, TATE & FURST, INC.,HM CAPITAL PARTNERS OF DALLAS, LLC AND JOHN DOES I-V	Civil Action No. 3-06CV2322-N  ) ) ) ) ) ) ) ) ) ) ) )

## DECLARATION OF GEORGE BORJAS, Ph.D.

## I QUALIFICATIONS AND STATEMENT OF ASSIGNMENT

My name is George Borjas and I am the Robert W. Scrivner Professor of Economics
and Social Policy at the John F. Kennedy School of Government, Harvard University,
as well as a Research Associate at the National Bureau of Economic Research. I am a
labor economist. My area of specialization is the application of microeconomic

theory, econometrics, and data analysis to labor market issues. I have published over 100 articles in books and scholarly journals, including the American Economic Review, the Journal of Political Economy, and the Quarterly Journal of Economics. I have published or edited several books specifically dealing with the economics of immigration, including Friends or Strangers: The Impact of Immigrants on the U.S. Economy and Heaven's Door: Immigration Policy and the American Economy. I am also the author of a textbook, Labor Economics, which is used to teach labor economics at the undergraduate level, and is now in its fourth edition. I have been elected a fellow of the Econometric Society and of the Society of Labor Economists. I was an editor of the Review of Economics and Statistics, am now in the editorial board of the Journal of Human Capital, and have been on the editorial boards of the Quarterly Journal of Economics and the International Migration Review. I have also been a consultant to the Office of the Attorney General of the State of California, to the World Bank, and to law firms engaged in litigation involving employment and wage-setting in labor markets. I earned my Ph.D. in economics from Columbia University in 1975 where my fields of specialization were labor economics and econometrics. A list of my professional publications and academic affiliations and

2. I have been retained by Counsel for the Plaintiffs to provide economic analysis and expert testimony in the matter of Valenzuela, et al ("Plaintiffs") versus Swift Beef Company, Inc., et al ("Swift"). I understand this case to involve a claim that wages paid and benefits provided by Swift to their employees in several plants in different states who were legally authorized to work in the United States were depressed as a result of Swift's alleged practice of employing legally ineligible workers. Specifically, I have been asked by Counsel to determine the feasibility of using common proof to estimate any damages to Plaintiffs resulting from Swift's practice of employing illegal workers, and calculating these individual and class damages on a class-wide basis.

engagements is included in my curriculum vitae, which is attached as Appendix A.

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I will use the term "wage" to include generally both wages and benefits.

- 3. I have been advised by Counsel that fact discovery has not yet begun in this case. This report and the opinions expressed herein are based on my understanding of the issues involved in the case, together with my training, education, and experience. Documents, deposition testimony, or other materials may become available that could lead me to supplement my conclusions.
- 4. I charge a standard hourly rate for work in this matter. My standard billing rate is \$625 per hour. Payment is not contingent on my opinion expressed, or on the outcome of this case.
- 5. A list of my prior depositions and testimony over the last four years is included in Appendix B. I include the list of materials considered for this report in Appendix C.

#### II BACKGROUND

6. I have contributed significant authorship to the well-developed literature in economics documenting the impact of immigration on the earnings and employment opportunities of native-born persons.<sup>2</sup> This body of research relies on fundamental theoretical models of labor supply and labor demand to determine the impact of increased immigration on the wage and employment opportunities of the pre-existing workforce.<sup>3</sup> The empirical analysis in these studies typically uses regression methods where compensation or some other labor market outcome is the dependent variable. This dependent variable is then related to immigration-induced supply shifts to measure the sensitive of compensation to these supply shifts. To the extent possible, the regression model would use firm and worker characteristics as control variables. The theoretical models and empirical methodologies found in the literature provide

For example, see Borjas, G., "Immigrants, Minorities, and Labor Market Competition," Industrial and Labor Relations Review, April 1987, pp. 382-392; Borjas, G., "How Much Do Immigration and Trade Affect Labor Market Outcomes?" (with Richard B. Freeman and Lawrence F. Katz), Brookings Papers on Economic Activity, 1997, pp. 1-67; and Borjas, G., "The Labor Demand Curve Is Downward Sloping: Reexamining the Impact of Immigration on the Labor Market," Quarterly Journal of Economics, November 2003, pp. 1335-1374.

For example, see the surveys, Borjas, G., "The Economics of Immigration." *Journal of Economic Literature*, December 1994; and Borjas, G., "The Economic Analysis of Immigration," in O. Ashenfelter and D. Card, Eds., *Handbook of Labor Economics*, 1999 vol. 3A, pp. 1697-1750.

appropriate techniques that may be used to estimate the impact of Swift's practice of employing illegal workers on the earnings of their employees who were legally authorized to work in the United States.

7. The central issue that forms the basis of Plaintiff's complaint is amenable to economic analysis. Paul Samuelson's classic introductory economics textbook (1964 edition) clearly summarizes what should happen in the labor market as a result of an immigration-induced change in the supply of labor:

"After World War I, laws were passed severely limiting immigration. Only a trickle of immigrants has been admitted since then...By keeping labor supply down, immigration policy tends to keep wages high. Let us underline this basic principle: Limitation of the supply of any grade of labor relative to all other productive factors can be expected to raise its wage rate; an increase in supply will, other things being equal, tend to depress wage rates."

8. Because of the policy implications associated with determining the impact of immigration on the labor market, a large literature in labor economics investigates how best to measure the wage impact of immigration.<sup>5</sup> For most first-generation studies, the starting point was the fact that immigrants in the United States tend to cluster in a relatively small number of geographic areas. A typical study<sup>6</sup> defines a geographic region (e.g., the state or metropolitan area) as the labor market that is

Samuelson, Paul A., Economics, 6th Edition, New York: McGraw-Hill, 1964, p. 552.

See the survey by Friedberg, Rachel M., and Jennifer Hunt, "The Impact of Immigration on Host Country Wages, Employment and Growth," *Journal of Economic Perspectives*, 9(2), 1995, pp. 23-44.

For example, see Grossman, Jean Baldwin, "The Substitutability of Natives and Immigrants in Production," Review of Economics and Statistics, 54(4), 1982, pp. 596-603; Borjas, George J., "Immigrants, Minorities, and Labor Market Competition," Industrial and Labor Relations Review, 40(3), 1987, pp. 382-92; Altonji, Joseph G., and David Card, "The Effects of Immigration on the Labor Market Outcomes of Less-Skilled Natives," in John M. Abowd and Richard B. Freeman, eds., Immigration, Trade, and the Labor Market, Chicago: University of Chicago Press, 1991, pp. 201-234; Card, David, "Immigrant Inflows, Native Outflows, and the Local Labor Market Impacts of Higher Immigration," Journal of Labor Economics, January 2001, pp. 22-64; and LaLonde, Robert J., and Robert H. Topel, "Labor Market Adjustments to Increased Immigration," in John M. Abowd and

penetrated by immigrants. The study then goes on to estimate the relation between the wage of native workers in a locality and the relative number of immigrants in that locality. A negative association between the two variables, indicating that native wages are lower in markets with a higher proportion of immigrants, would suggest that an inflow of immigrants worsens the employment opportunities of competing native workers.

Although there is some variation in the findings reported in the literature, past 9. empirical studies (mostly using metropolitan areas as the geographic dimension of the labor market) have tended to find that such negative associations, if they exist, are weak, helping to create the impression that immigrants may have little impact on the labor market opportunities of native workers. Recent research, however, raises two questions about the validity of interpreting the absence of negative associations across geographic areas as evidence that immigration has no labor market impact. First, immigrants may not be randomly distributed across labor markets. If immigrants cluster in cities with thriving economies and high wages, wages will tend to show a positive association with the fraction of immigrants in the locality. Second, natives may respond to an adverse wage impact of immigration by moving their labor or capital to other cities. For example, some employers, observing that cities in certain geographic areas with higher concentrations of low-skill immigrants have cheaper labor costs, will want to relocate to those cities. Simultaneously, laborers living in those localities directly impacted by immigration may decide to move elsewhere. These flows of labor and capital would diffuse the labor market impact of immigration across the national economy, and would tend to equalize economic conditions across localities. As a result, inter-city comparisons of wage rates may not

Richard B. Freeman, eds., *Immigration, Trade, and the Labor Market*, Chicago: University of Chicago Press, 1991, pp. 167-199.

Borjas, George J., "Does Immigration Grease the Wheels of the Labor Market?," Brookings Papers on Economic Activity, 2001, pp. 69-119.

be very revealing. However, there is no consensus in the academic literature on to what extent such capital or labor flows actually occur.8

- 10. Because of these issues, a new strand of the literature emphasizes that the labor market impact of immigration may be better measured at more aggregated units, such as the state or national labor market, and by examining wage trends among more narrowly defined skill or occupational groups. These newer studies tend to reveal a more negative (and statistically significant) relationship between immigration-induced increases in labor supply and wages for particular skill groups. In rough terms, these studies indicate that a ten percent immigration-induced increase in the supply of labor lowers wages for the set of relevant workers in the labor market by around three to four percent.
- 11. It is important to emphasize that the existing academic literature addresses the link between immigration and wages in labor markets that are typically defined by geography and/or skills. I am only aware of only one (as yet unpublished) study that has examined how wages respond to immigration at the level of a particular firm—and this study examines the labor market in Denmark. The lack of U.S. evidence at the firm level most likely indicates the difficulty that economists typically have in obtaining (often confidential) firm-level data on employment and wages. The absence of documented evidence on the impact of immigration at the firm level, however, may suggest that the estimates reported in the academic literature may not be directly

See Filer, Randall K., "The Impact of Immigrant Arrivals on Migratory Patterns of Native Workers," in Immigration and the Work Force: Economic Consequences for the United States and Source Areas, eds., George J. Borjas and Richard B. Freeman, Chicago: University of Chicago Press 1992, pp. 245-69; Card, David, "Immigrant Inflows, Native Outflows, and the Local Labor Market Impacts of Higher Immigration," Journal of Labor Economics, January 2001, pp. 22-64; and Borjas, George J., "Native Internal Migration and the Labor Market Impact of Immigration," Journal of Human Resources, 41, Spring 2006, pp. 221-258.

Borjas, George J., "The Labor Demand Curve Is Downward Sloping: Reexamining the Impact of Immigration on the Labor Market," Quarterly Journal of Economics, 118, November 2003, pp. 1335-1374; Mishra, Prachi, "Emigration and Wages in Source Countries: Evidence from Mexico," Journal of Development Economics, Volume 82, Issue 1, January 2007, pp. 180-199; Aydemir, Abdurrahman and George J. Borjas, "Cross-Country Variation in the Impact of Immigration: Canada, Mexico, and the United States," Journal of the European Economic Association 5 (June 2007): 663-708.

applicable to the Swift context. In this report, I suggest various ways in how I would potentially go about adapting existing methodologies in the academic literature to measure the impact of immigration-induced labor supply changes on wages at the firm level.

- 12. It is also worth emphasizing that the debate in the academic literature as to whether the labor market impact of immigration is best measured at the level of the local labor market or at a more aggregated level may not be directly relevant for estimating the wage impact of the alleged employment practices at Swift. The possibility that many workers move from city to city, thereby attenuating the labor market impact of immigration on the average worker in a particular immigrant-receiving locality, does not negate the possibility that there may be some firms within that locality with a workforce that is not particularly mobile, opening up significant opportunities for that firm to use some degree of discretion in its wage-setting decisions.
- 13. In fact, the testimony of Douglas W. Schult, who began working at Swift in June 2000 as the Vice President of Field Operations for Human Resources, suggests that Swift indeed has some flexibility in setting wage rates at its various plants. Most of the Swift plants are unionized and these union contracts tend to set both a "starting rate"—the hourly wage rate paid to newly hired workers—and a "base rate"—the hourly wage paid to someone who has been at the firm for some amount of time (perhaps as long as 2 years). Mr. Schult's testimony suggests that Swift had some leeway in determining how much workers at the various plants actually got paid. As an example, apparently without paying much regard to local labor market conditions or to the wage paid by competing firms, Swift unilaterally chose to raise the starting wage at some (but not all) of its plants prior to the ICE raids of December 2006 (April 8 2008 testimony, pp. 105, 142). Specifically, in October 2006, the start rate was raised to the same rate (\$11.50 an hour) in some of the plants. This wage increase was designed to attract a sufficiently large workforce so as to ensure that the plants would

See Malchow-Meller, Nikolaj, Jakob Roland Munch, and Jan Rose Skaksen, "Do Immigrants Affect Firm-Benefit Wages," IZA Workiing Paper No. 3264, December 2007.

be fully staffed should the ICE-related events lead to a sudden cutback in the number of workers. Mr. Schult's testimony suggests that the start rate was increased in the plants that were most "vulnerable" to the ICE investigation—e.g., the rates were not raised at the Hyram, Utah plant or at the Louisville plant (ibid, p. 143). Swift also changed unilaterally other aspects of its employment offer—for example, the amount of time it takes to progress from the start to base rate. Mr. Schult's testimony (p. 96) reports that Swift cut this time of progression from 18-24 months to 90 days in anticipation of the ICE events. It is notable that not all of its competitors matched the wage changes at Swift.

- 14. It is notable that wages at Swift plants are set centrally by Swift Corporate (Mr. Schult deposition, April 8, 2008 deposition, p. 17, lines 22-25, and p. 29).
- 15. The academic literature exploits differences in wages across regions or skill groups and how these differences relate to the volume of immigration in a particular labor market to estimate the wage impact of immigration. Similarly, it should be possible to exploit the differences in wages across plants or over time and information on immigration-induced supply shocks to estimate the wage impact of unauthorized hiring in the present context. In other words, the data resulting from the changes in wage-setting practices and employment conditions—combined with detailed information provided by the union contracts—can be used in conjunction with the conceptual and econometric models in the academic literature to estimate the wage impact of immigration. Once this wage impact is estimated, it would then be possible to determine the damages to the Plaintiffs, collectively and individually, on a classwide basis. Using information that can be obtained from Swift giving various employee-specific characteristics, the results from the model may be applied to each member of the class to calculate the wage losses resulting from the wage depression.

# III PROPOSED APPROACH FOR ASSESSING IMPACT ON SWIFT CLASS

- Simply put, the analysis will consist of the following steps: First, I will determine if 16. Swift's wage-setting practices are consistent with what one would expect to observe for a firm that attracts labor from the local pool of applicants by offering competitive wages that vary with local labor market conditions, or if Swift's wage-setting practices reflect those of a firm that pays a wage that guarantees a steady supply of applicant labor from some source, not necessarily the local labor market. Second, a regression model would be used to estimate how much wages have been depressed by Swift's alleged practice of employing legally ineligible workers. A key ingredient of this type of analysis involves using multivariate regression techniques to estimate a parameter called the "wage elasticity", which measures the responsiveness of average hourly earnings in Swift to a percent increase in labor supply at Swift. The regression model would use information on wages paid to Swift workers at specific locations, the number of workers employed at the various Swift locations, and the size of the immigration-induced labor supply shift in the surrounding geographic area. To isolate the correlation of interest, the regression analysis would control for variables that might independently influence the wage of workers, including sex, age, location, and seniority. Finally, I would combine the estimate of the wage elasticity with an estimate of the supply shift due to the hiring of illegal immigrant to calculate damages to each class member and to calculate the total value of lost wages for the entire class. I emphasize that this calculation requires information not only on the wage elasticity, but also on the quantity of labor supplied by both legal and illegal workers during the period when the alleged employment of illegal workers took place.
- 17. Depending on the nature of the data available after further discovery, the methodology used to measure the wage elasticity described above may need to be adapted to the nature of the available information. For instance, it may be possible to use the longitudinal nature of the available data (where the hourly wage of a given worker is carefully tracked from year to year) to determine how the wage of a particular worker employed at Swift—relative to comparable workers employed in

- other firms that Swift competes with for labor services—changed as a result of the changes in the labor supply of workers offering their services to Swift.
- 18. As noted above, the general methodology will be adapted to use specific information regarding wage-setting practices at Swift that have been revealed by discovery. For example, the unilateral wage increase that Swift imposed on some of its plants prior to the ICE raids suggests that Swift does not necessarily follow the wage-setting practices of a firm operating in a perfectly competitive labor market, where the firm would simply pay the "going wage." In addition, through further analysis, the unilateral wage increase may provide information about the wage consequences of replacing a fraction of the unauthorized workforce at Swift with authorized workers.

#### IV DATA

- 19. Damages can be calculated using the econometric model summarized above, provided that adequate data regarding legal status, individual characteristics, nature of employment, and wages and earnings for employees of Swift can be obtained for a sufficient period of time to allow a statistical analysis of how Swift's wage-setting behavior reacts to changes in the supply of unauthorized workers. Data may be found in the following:
  - I-9 forms showing the legal status of each employee. Because of the ICE events in 2006, there already exist prepared lists of workers who were detained by ICE at the time of the raids as well as of some workers terminated by Swift because of identity fraud prior to the raids. It has been estimated that at least 10 percent of workers at the Swift plants had invalid documents (the 1300 detained by ICE as well as 400 workers terminated soon thereafter by Swift). These objective data can be used to assess the extent of unauthorized hiring in the Swift plants.
  - Bargaining agreements with the union, including information on the "starting wage" and the "base wage." Documents detailing decision to unilaterally increase the starting wage (or change other aspects of the employment package) at a subset of plants to the base wage prior to the ICE raids.

- Employment records (in electronic form) showing each employee's start and end
  date of employment with the firm, job title, job designation (e.g., supervisor,
  manager), and demographic information (e.g., age, sex, education level, race,
  ethnicity, and marital status).
- Payroll records (in electronic form) showing each employee's wage rate (hourly wage and/or set piece rate), hours and days worked, and earnings for each pay period.
- W-2 forms showing the annual incomes of each employee.
- Other employment records of each employee related to benefits, including workers compensation.
- 20. This information, in addition to publicly available data on labor market conditions in various states, will enable me to calculate the lost wages to the Plaintiffs resulting from Swift's practices at issue in this case. The information listed above, in addition to publicly available data on labor market conditions in the local areas where Swift operates, will enable me to calculate the lost wages to the Plaintiffs resulting from Swift's practices at issue in this case.

#### V CONCLUSIONS

- 21. It is my opinion that individual class member and class-wide damages can be calculated on a class-wide basis.
- 22. My opinion is based on the assumption that in addition to the information already produced by Swift, further discovery will provide the data that I will need to implement an appropriate model as described and estimate damages.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed on April 21, 2008 at Cambridge, Massachusetts.

George J. Borjas

Appendix A:

Curriculum Vitae of George Borjas

#### **CURRICULUM VITAE**

#### George J. Borjas

#### **Business Address:**

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#### Personal Data:

Born October 15, 1950 Married; three children

#### Education:

Ph.D. (Economics)

M.Phil. (Economics)

M.A. (Economics)

B.S. (Economics-Mathematics)

1975, Columbia University
1974, Columbia University
1971, St. Peter's College

Honorary Degrees:

L.H.D. (Doctor of Humane Letters)

2003, St. Peter's College

## Professional Experience:

2002-	Robert W. Scrivner Professor of Economics and Social Policy,
	Harvard University
1983-	Research Associate, National Bureau of Economic Research
1995-2002	Pforzheimer Professor of Public Policy, Harvard University
1990-1995	Professor of Economics, University of California, San Diego
1988-1989	Visiting Scholar, Harvard University
1982-1990	Professor of Economics, University of California, Santa Barbara
1980-1982	Associate Professor of Economics, University of California, Santa Barbara
1978-1980	Assistant Professor of Economics, University of California, Santa Barbara
1977-1978	Post-Doctoral Fellow, Department of Economics, University of Chicago
1975-1977	Assistant Professor of Economics, Queens College of the City University
	of New York

1972-1978 Senior Research Analyst, National Bureau of Economic Research

#### Honors:

Fellow, Society of Labor Economists, elected in 2004.

Estrada Fellowship in Immigration Studies, 2000.

Fellow, Econometric Society, elected in 1998.

Listed in:

Who's Who in the World

Who's Who in America

Who's Who in Economics

Who's Who in Finance and Industry

Who's Who of Emerging Leaders in America

Who's Who in the West

Outstanding Young Men of America

Member, State of California, Governor Council of Economic Advisors, 1993-1998.

University of California Faculty Development Fellowship, Summer 1979.

National Institute of Mental Health Post-Doctoral Research Fellowship, University of Chicago, 1977-1978.

#### Editorial Boards:

Board of Editors, Journal of Human Capital, 2007-present

Editor, Review of Economics and Statistics, 1998-2006

Editorial Board, International Migration Review, 1992-present

Editorial Board, Quarterly Journal of Economics, 1992-1998

Editorial Board, Review of Economics and Statistics, 1997-1998

#### Other Professional Experience:

Senior Research Affiliate, National Poverty Center, University of Michigan, 2003-present.

Member, Policy Board, Center for Immigration Studies, 2003-2004.

Elected to Policy Council, Association for Public Policy Analysis and Management, 2000-2003.

Member, Program Committee, Association for Public Policy Analysis and Management, October 1998.

Consultant, The World Bank, 1998.

Senior Affiliate, Joint Center for Poverty Research, 1998-2003.

Member, External Advisory Board, Joint Center for Poverty Research, 1998-present.

Chair, Committee of Visitors, National Science Foundation, Economics Program, 1996.

Co-Chair, Harvard Refugee Project, Institute for Social and Economic Policy in the Middle East, John F. Kennedy School of Government, 1996-1998.

Member, Program Committee, 1996 Meetings of the American Economic Association

Member, Panel on Demographic and Economic Impacts of Immigration, National Academy of Sciences, 1995-1997.

Member, Social Science and Population Study Section, National Institutes of Health, 1995-1997. Committee of Visitors, National Science Foundation, Economics Program, 1992.

Member, Program Committee, 1993 North-American Winter Meetings of the Econometric Society.

Faculty, Foundation for American Communications, 1991.

#### Other Professional Experience (Continued):

Economist, Unicon Research Corporation, 1983-1991.

Member, American Economic Association, Committee on the Status of Minority Groups in the Economics Profession, 1986-1992.

Member, Advisory Panel in Economics, National Science Foundation, 1988-1990.

Vice-Chairman, Department of Economics, University of California, Santa Barbara, 1984-1988.

Director of Graduate Program, Department of Economics, University of California, Santa Barbara, 1984-1988.

Member, Panel on Immigration Statistics, National Academy of Sciences, 1983-1984.

Member, Advisory Panel, Social Science Research Council, National Commission for Research on the 1980 Census, 1983-1985.

Visiting Fellow, Department of Economics, University of Warwick, England, Summer 1982. Editorial Consultant, *American Economic Review*, 1977-1980.

#### Publications:

#### 1. Books and Monographs

Wage Policy in the Federal Bureaucracy, American Enterprise Institute, Washington, D.C., 1980.

Hispanics in the U.S. Economy (edited with Marta Tienda), Academic Press, 1985.

International Differences in the Labor Market Performance of Immigrants, W.E. Upjohn Institute for Employment Research, 1988.

Friends or Strangers: The Impact of Immigrants on the U.S. Economy, Basic Books, 1990; Paperback edition, 1991.

Immigration and the Work Force: Economic Consequences for the United States and Source Areas (edited with Richard B. Freeman), University of Chicago Press, 1992.

Heaven's Door: Immigration Policy and the American Economy, Princeton University Press, 1999; Paperback edition, 2001.

Labor Economics, McGraw-Hill, 1996; Second Edition, 2000; Greek Translation, 2003; Chinese Translation, forthcoming 2004; Third Edition, 2005; Fourth Edition 2008.

Issues in the Economics of Immigration, editor, University of Chicago Press, 2000.

Poverty, International Migration and Asylum (edited with Jeff Crisp), Palgrave Macmillan, 2005.

Mexican Immigration to the United States, editor, University of Chicago Press, 2007.

#### 2. Articles

- "Specific Training and Its Effects on the Human Capital Investment Profile" (with Ann P. Bartel), Southern Economic Journal, October 1977, pp. 333-341.
- "Middle-Age Job Mobility: Its Determinants and Consequences" (with Ann P. Bartel), in *Men in the Pre-Retirement Years*, edited by Seymour Wolfbein, Temple University Press, 1977, pp. 39-97.
- "The Economics of Job Search: A Comment" (with Matthew S. Goldberg), *Economic Inquiry*, January 1978, pp. 119-125.
- "The Distribution of Earnings Profiles in Longitudinal Data" (with Jacob Mincer), in *Income Distribution and Economic Inequality*, edited by Zvi Griliches, et al., Halsted Press, 1978, pp. 175-197.
- "Discrimination in HEW: Is the Doctor Sick or Are the Patients Healthy?" Journal of Law and Economics, April 1978, pp. 97-110. Reprinted in Chicago Studies in Political Economy, edited by George J. Stigler, University of Chicago Press, 1988, pp. 426-440.
- "Biased Screening and Discrimination in the Labor Market" (with Matthew S. Goldberg), American Economic Review, December 1978, pp. 918-922.
- "Labor Supply Estimates for Public Policy Evaluation" (with James J. Heckman), Proceedings of the Thirty-First Annual Meetings of the Industrial Relations Research Association, 1979, pp. 320-331.
- "Job Satisfaction, Wages, and Unions," Journal of Human Resources, Winter 1979, pp. 21-40.
  Reprinted in Should the Federal Government Significantly Curtail the Powers of Labor Unions in the United States? U.S. House of Representatives Document 97-89, U.S. Government Printing Office, 1981, pp. 209-228.
- Union Control of Pension Funds: Will the North Rise Again? Institute for Contemporary Studies, San Francisco, CA, 1979.
- "Income Effects in Quality-Quantity Models," *Economics Letters*, Vol. 3, No. 2, 1979, pp. 125-131.
- "Income Prospects and Job Mobility of Younger Men" (with Sherwin Rosen), Research in Labor Economics, Vol. 3, 1980, pp. 159-181.
- "The Structure of Wages and Turnover in the Federal Government," Research in Labor Economics, Vol. 3, 1980, pp. 195-240.

- "Does Unemployment Cause Future Unemployment? Definitions, Questions and Answers From a Continuous Time Model of Heterogeneity and State Dependence" (with James J. Heckman), *Economica*, August 1980, pp. 247-283. Reprinted in *The Economics of Unemployment*, edited by P. N. Junankar, Edward Elgar Publishing, 1997.
- "The Relationship Between Wages and Weekly Hours of Work: The Role of Division Bias," Journal of Human Resources, Summer 1980, pp. 409-423.
- "Promotions and Wage Discrimination in the Federal Government: Evidence from H.E.W.," Economics Letters, Vol. 6, No. 4, 1980, pp. 381-385
- "Wage Determination in the Federal Government: The Role of Constituents and Bureaucrats," Journal of Political Economy, December 1980, pp. 1110-1147.
- "Job Mobility and Earnings Over the Life Cycle," *Industrial and Labor Relations Review*, April 1981, pp. 365-376.
- "Wage Growth and Job Turnover: An Empirical Analysis" (with Ann P. Bartel), in *Studies in Labor Markets*, edited by Sherwin Rosen, University of Chicago Press, 1981, pp. 65-90.
- "Consumer Discrimination and the Firm's Demand for Black Labor," *Economics Letters*, Vol. 8, No. 4, 1981, pp. 385-391.
- "The Earnings of Male Hispanic Immigrants in the United States," *Industrial and Labor Relations Review*, April 1982, pp. 343-353.
- "The Politics of Employment Discrimination in the Federal Bureaucracy," Journal of Law and Economics, October 1982, pp. 271-299.
- "Labor Turnover in the U.S. Federal Bureaucracy," *Journal of Public Economics*, November 1982, pp. 187-202. Translated and reprinted in "Il Fenomeno del Turnover nell'Amministrazione Pubblica Statunitense," *Problemi di Amministrazione Pubblica*, 1983, No. 4, pp. 37-66.
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- "The Wage Structure and Self-Selection into Self-Employment," November 2001.
- "Does Welfare Reduce Poverty?" January 2003.
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- "Immigration and African-American Employment Opportunities: The Response of Wages, Employment, and Incarceration to Labor Supply Shocks" (with Jeffrey Grogger and Gordon H. Hanson), August 2006.
- "Labor Outflows and Labor Inflows in Puerto Rico," October 2006.

## APPENDIX B

# TESTIMONY WITHIN THE PAST FOUR YEARS

- United States District Court, Eastern District of Tennessee
   *Birda Trollinger, et al. v. Tyson Foods, Inc.*, Case No. 4:02-cv-23 September
   2007
  - **Deposition Testimony**
- 2. United States District Court, Eastern District of Tennessee Birda Trollinger, et al. v. Tyson Foods, Inc., Case No. 4:02-cv-23 – November 2007

## **Daubert Testimony**

- 3. United States Senate, Committee on Health, Education, Labor, and Pensions, Presented to Subcommittee on Immigration and Claims, Employment Based Immigration: An Examination of the Canadian Point System for Skilled Workers and Business Immigrants—September 14, 2006

  Congressional Testimony
- 4. United States District Court, Northern District of California

  Jane Doe I, et al. v. Lakireddy Bali Reddy, et al, Case No. C 02-05570 WHA -2005

  Deposition Testimony
- United States District Court, Middle District of Pennsylvania
   Lozano, et al. v. City of Hazleton, Case No. 3:2006cv01586 March 2007
   Courtroom Testimony
- United States District Court, Eastern District of Washington
   Ambrosio Marin, et al. v. William Evans, et al., Case No. 06-cv-3090-RHW January 2008
   Deposition Testimony
- United States District Court, Eastern District of California
   Robin Brewer v. Scott Salyer, Case No 1:06-CV-01324-AWI-DLB January 2008
   Deposition Testimony

#### APPENDIX C

MATERIALS REVIEWED AND/OR RELIED UPON BY GEORGE BORJAS, PH.D.

#### **Legal Filings:**

Swift Beef Company and Swift & Company's Responses to Putative Class Representatives' First and Second Set of Interrogatories

Swift Beef Company and Swift & Company's First Supplemental Responses to Putative Class Representatives' First and Second Set of Interrogatories

Swift Beef Company and Swift & Company's Second Supplemental Responses to Putative Class Representatives' First and Second Set of Interrogatories

Deposition of Douglas W. Schult, taken April 8, 2008.

Deposition of James A.R. Hamilton, taken April 9, 2008.

Deposition of Douglas W. Schult, taken August 3, 2007.

Deposition of Kathy E. Weber, taken April 8, 2008.

Deposition of Eric A. Ray, taken April 8, 2008.

Swift & Company and Swift Beef Company's Responses to Putative Class Representatives' First Request for Production for Defendant Swift Beef Company, Inc. d/b/a Swift Company and Swift & Co.

# **Books and Articles:**

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Borjas, George J., "The Labor Demand Curve Is Downward Sloping: Reexamining the Impact of Immigration on the Labor Market," *Quarterly Journal of Economics*, November 2003, pp. 1335-1374.

Abdurrahman Aydemir and George J. Borjas, "Cross-Country Variation in the Impact of International Migration: Canada, Mexico, and the United States," *Journal of the European Economic Association*, June 2007, pp. 663-708.

Borjas, G., "The Economic Analysis of Immigration." In O. Ashenfelter and D. Card, Eds., *Handbook of Labor Economics*, 1999 vol. 3A, pp. 1697-1750.